

REMARKS

Claims 1, 2, 4, 5, 8, 9, 11 and 12 are pending and under consideration in the above-identified application. Claims 3, 6, 7, 10, 13 and 14 were previously cancelled.

In the Office Action of October 20, 2010, claims 1, 2, 4, 5, 8, 9, 11 and 12 were rejected.

With this Amendment, no claims are amended.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 2, 4, 5, 8, 9, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yamada et al.* (US 7,102,282). Applicant respectfully traverses this rejection.

In relevant part, each of the independent claims 1, 2, 8 and 9 recite that the materials and thicknesses of the first and second electrodes are selected such that the first and second electrode both reflect light outside light at substantially the same strength and approximately inverted phases.

This is clearly unlike *Yamada* which fails to disclose or even suggest materials and thicknesses of first and second electrodes being selected such that the first and second electrode both reflect outside light at substantially the same strength and approximately inverted phases. Instead, *Yamada* discloses the following:

“ ϕ is derived as follows. That is, first stacked on a substrate (for example, Si substrate) is the reflection layer (Cr, or the like) or a semitransparent reflection layer (Mg, Ag, Mg-Ag alloy, or the like) to a thickness not thinner than 200 nm. Then using a spectroellipsometric apparatus (for example, a product of the manufacturer SOPRA), **refractive index n and absorption coefficient k of the reflection layer or semitransparent reflection layer is determined.**”

The phase shift of the reflection layer can be calculated from its n and k, and refractive index n of the organic layer in contact with the reflection layer (see, for example, Principles of Optics, Max Born and Emil Wolf, 1974 (PERGAMON PRESS)).” See, U.S. Pat. No. 7,102,282, Col. 7, l. 49-61 (emphasis added).

Accordingly, *Yamada* discloses measuring the refractive index and absorption coefficient of a layer that has been formed to determine a phase shift and not selecting a thickness and a

material of layer to produce a desired phase shift. *Yamada* also discloses calculating the refractive index and absorption coefficients of the semitransparent reflection layer in the same manner.

This cannot be fairly viewed as disclosing the selection of materials and thickness of a first electrode and second electrode such that the first and second electrode both reflect outside light at substantially the same strength and approximately inverted phases because *Yamada* discloses forming a reflection layer or a semi-transparent electrode on the driving substrate to a thickness of 0-200 nm first and then determining the refractive index and absorption coefficient of the formed layer without disclosing any adjustment of thickness or material of either the reflection layer or the semitransparent reflection layer.

In the Office Action of October 20, 2010, the Examiner asserts that “col. 7-8 lines 49-5 describe the first and second electrode materials (refractive index) and thicknesses are chosen such that the phase portion of the disclosed formula is satisfied.” By making this assertion, the Examiner is reading more from *Yamada* than *Yamada* discloses. *Yamada* discloses determining the refractive index and absorption coefficients after the reflection layer and semitransparent reflection layer are formed. See, U.S. Pat. No. 7,102,282, Col. 7, l. 49-61. Accordingly, *Yamada* is disclosing measuring a phase shift in an existing material and not selecting materials to achieve a desired phase shift.

As the Applicant’s specification teaches, by selecting the materials and thicknesses of the first and second electrodes such that the first and second electrode both reflect light outside light at substantially the same strength and approximately inverted phases, reflection of outside light is reduced and image quality is improved. See, U.S. Pat. Pub. No. 2004/0156405, Para [0053]-[0056].

Therefore, because *Yamada* fails to disclose or even fairly suggest all of the features of claims 1, 2, 8 and 9, the rejection of claims 1, 2, 8 and 9 cannot stand. Because claims 4, 5, 11 and 12 depend either directly or indirectly from claims 1, 2, 8 and 9, they are allowable for at least the same reasons as claims 1, 2, 8 and 9.

II. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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